

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

BRENDA LAUN

CASE NO. 1:22-CV-05347

VERSUS

JUDGE EDWARDS

KNIGHTBROOK INSURANCE CO., ET AL. MAGISTRATE JUDGE PEREZ-MONTES

ORDER

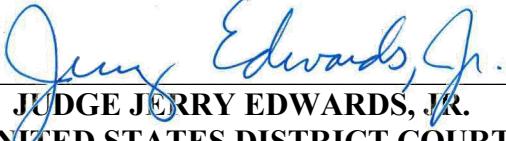
Before the Court is Plaintiff's Motion for Partial Summary Judgment on Comparative Fault (ECF No. 36). In its Motion, Plaintiff asserts no evidence exists to support Defendants' comparative fault defense; instead, Santee Cummings failed to yield to oncoming traffic, thus causing the accident. ECF No. 36-3. Defendants Knightbrook Insurance Co. and United S, Inc. subsequently stipulated to liability, stating that Santee Cummings, acting in the course and scope of his employment with United S, Inc., was the sole and proximate cause of the December 30, 2021 accident. ECF No. 43 at 1.

Considering Defendants' stipulation of liability, Plaintiff's Motion regarding comparative fault should be denied as moot. *E.g., McGinley v. Luv n' care, Ltd.*, No. 3:17-CV-00821, 2023 WL 6289983, at *2 (W.D. La. Sept. 26, 2023) (denying part of a motion as moot based on the joint stipulation resolving certain issues raised in said motion); *cf. Dropbox, Inc. v. Motion Offense, LLC*, No. 6:20-CV-00251-ADA, 2023 WL 3434050, at *1 (W.D. Tex. May 12, 2023) (denying a portion of a party's Motion for Partial Summary Judgment as moot in light of its own stipulation).

Based on Defendants' Stipulation of Liability (ECF No. 43),

IT IS HEREBY ORDERED that Plaintiff's Motion for Partial Summary Judgment on Comparative Fault (ECF No. 36) is **DENIED AS MOOT**.

THUS DONE AND SIGNED in Chambers on this 12th day of June, 2024.


JUDGE JERRY EDWARDS, JR.
UNITED STATES DISTRICT COURT